

## Littleton Town Ordinances

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## TRAFFIC REGULATIONS

In accordance with the authority conferred upon selectmen of towns by Section 11, Chapter 41 and paragraphs VII and VIII; and Section 17, Chapter 47 Revised Statutes Annotated, relative to traffic regulations, the following regulations are hereby drafted and adopted.

### Section 1. Definitions

- I. Vehicle - Every mechanical device in, upon or by which any person or property is or may be transported or drawn upon a way, except devices used exclusively upon stationary rails or tracks.
- II. Way - The entire width between the boundary lines of any public highway, street, avenue, road, alley, park or parkway or any private way laid out under authority of statute or any such way provided and maintained by a public institution to which state funds are appropriated for public use, or any such way which has been for public travel thereon, other than to and from a toll bridge or ferry, for twenty (20) years, or any public or private parking lot which is maintained primarily for the benefit of paying customers.
- III. Crosswalk - The part of a highway at an intersection included within the connections of the lateral lines of the sidewalk on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable highway any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- IV. Sidewalk - All sidewalks laid out as such by a city, town, or village district, or reserved by custom for the use of pedestrians that are within the compact part of a city village or district. It shall not include crosswalks, nor footpaths outside the compact part of town that are worn only by travel and not improved by the town or abutters, nor any paths or walks that are built for the exclusive use of bicyclists.
- V. Bicycles - Every pedaled vehicle propelled solely by human power upon which any person may ride, except a child's tricycle and similar devices.
- VI. Compact Area - For the purpose of these regulations, the Compact Areas of the Town of Littleton shall include the ways and sidewalks of Main, West Main, Cottage, Union, Meadow and Pleasant Streets.
- VII. Traffic Movements
  - A. Stop-
    1. When required, a complete cessation of movement.

2. When prohibited, any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with direction of a police officer or traffic control sign or signal.

- B. Standing- Any stopped vehicle, whether occupied or not.
- C. Park- The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of or while actually engaged in or unloading.
- D. U-Turn- The turning of a vehicle from its original direction and/or the turning of one side of the street to the other for the purpose of parking
- E. Yielding the Right of Way- When required, the slowing down or stopping if necessary, to allow a vehicle or pedestrian using the street being approached to have the right of way.

VIII. Intersection - The area bounded by the prolongation of the lateral curb lines or the lateral boundary lines of 2 or more ways.

IX. Traffic Control Device

- A. All signs, signals, markings and devices not inconsistent with these regulations erected pursuant to competent authority for the purpose of regulating, warning or guiding traffic.
- B. Traffic signals, mechanically or electronically operated, by which traffic is directed to stop or proceed. These are erected pursuant to competent authority.

X. Feeding Meters - The purpose of parking meters is to provide the periodic turnover of parked vehicles on commercial areas, which would provide greater access to the businesses and services offered in the Town. Feeding the meters is the act of placing more money in the parking meters than is necessary in an attempt to avoid a parking fine after the maximum time limit has expired.

Section 2. Enforcement

- I. It shall be the duty of the Police Department of this town to enforce the provisions of this ordinance. Officers of the Police Department are hereby authorized to direct all traffic either in person or by means of visual or audible signals in conformance with these regulations, provided that in the event of fire or other emergency, may direct traffic (as conditions may require), not withstanding the provisions of this ordinance.
- II. Required Obedience to Traffic Regulations  
It is a violation for any person to do any act forbidden or fail to perform any act required by these regulations.
- III. Obedience to Police  
No person shall fail or refuse to comply with any lawful order or direction of a

police officer

IV. Traffic Regulations

Public Employees: The provisions of these regulations shall apply to the driver of any vehicle owned or used by the United States Government, the State of New Hampshire, or any political subdivision of said state, and it shall be unlawful for any driver to violate any of the provisions of these regulations, except as otherwise permitted by law or these regulations.

V. Exemptions

Emergency Vehicles - The provisions of these regulations, governing the operation, parking and standing of vehicles shall apply to authorized emergency vehicles as defined in these regulations except as follows:

- A. Park or stand notwithstanding the provisions of these regulations.
- B. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- C. Disregard regulations governing direction of movement or turning in specific directions so long as persons and property are not thereby endangered.

THE FOREGOING EXEMPTIONS SHALL NOT PROTECT THE DRIVER OF ANY VEHICLE FROM THE CONSEQUENCES THAT RESULT FROM THE DISREGARD FOR THE SAFETY OF OTHERS.

VI. Persons Covered

Any person propelling a push cart, riding a bicycle or skateboard, or driving a vehicle shall be subject to the provisions of these regulations whenever applicable.

SECTION 3. TRAFFIC CONTROL DEVICES

I. Obedience to Traffic Control Devices

The driver of a vehicle shall obey the instructions of all control devices, unless otherwise directed by a police officer.

II. Traffic Control Signal legend- Vehicles

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively, at one time or in combination, ONLY the colors "RED", "GREEN" AND "YELLOW" shall be used.

A. GREEN

Vehicular traffic facing a CIRCULAR GREEN signal may proceed straight through or turn right or left unless a sign at such a place prohibits either such turn. But, vehicular traffic, including vehicles turning right or left, shall yield to other vehicles and to pedestrians lawfully within the

intersection or adjacent crosswalk at such a time the signal is exhibited.

B. GREEN ARROW

Vehicular traffic facing a GREEN ARROW signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully using the intersection.

C. YELLOW

Vehicular traffic facing a steady CIRCULAR YELLOW OR YELLOW ARROW signal is thereby warned that the related GREEN movement is being terminated or that a RED indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Drivers shall proceed with extreme caution IF AND ONLY IF it is apparent that a stop cannot be safely made.

D. CIRCULAR RED

Vehicular traffic facing a steady CIRCULAR RED signal alone shall stop at a clearly marked stop line before entering the crosswalk on the near side of the intersection or, if none, then standing until an indication to proceed is shown except as provided in 3:11 (e) and 3:11 (g).

E. When a signal is in a place permitting a turn, traffic, except pedestrians, facing a steady CIRCULAR RED signal may cautiously enter the intersection to make the turn indicated by the sign after stopping. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

F. RED ARROW

Traffic, except pedestrians, facing a steady RED ARROW indication may not enter the intersection to make the movement indicated by such arrow, unless entering the intersection to make such other movements is permitted by other indication shown at the same time, shall stop at a clearly marked stop line, shall stop before entering the intersection or crosswalk and remain standing until an indication to make the movement indicated is shown, except as provided in 3:11 (g).

G. Except when the authority having jurisdiction over the intersection prohibits such a turn and a sign located at the intersection so indicates, vehicular traffic facing a steady RED LIGHT alone or a steady CIRCULAR RED indication shall stop as required in this section and may after such stop, make a right turn if such a right turn is lawful at that intersection. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to the other traffic lawfully using the intersection.

H. Signal not at an Intersection

In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be

applicable except as to those provisions, which by their nature can have no application. Any stop required shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

III. Flashing Signals

Flashing "RED" or "YELLOW" signals shall require obedience by vehicular traffic as follows:

A. Flashing Red - (stop signal)

When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked. Or if none, then before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

B. Flashing Yellow - (caution signal)

When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such a signal only with caution.

IV. Display of Unauthorized Signs, Signals or Markings

No person shall place, maintain or display upon or in view of any highway any unauthorized signs, signals, marking or device which purports to be or is an imitation of, or resembles an official traffic control device, or which attempts to direct the movement of traffic, or which hides from view or resembles an official traffic control device. No person shall place or maintain nor any public authority permit upon any way any traffic sign or signal bearing thereon any commercial advertising. This shall be deemed to prohibit the erection upon private property adjacent to ways, signs giving useful directional information and of a type that cannot be mistaken for official signs. Every such prohibited sign, signal or marking is declared a public nuisance and the authority having jurisdiction over the way is hereby empowered to remove the same or cause it to be removed without notice.

V. Interference with Traffic Control Devices, Signs, or Signals

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down other than accidentally, remove or possess any of the following items, or any part thereof, which have previously been installed by lawful authority:

A. Any official control device;

B. Any railroad sign or signal; or

C. Any inscription, shield or insignia found on any of the above.

VI. Erection of Signs

After these regulations have been placed in effect, the Board of Selectmen and the Town Manager may authorize the Chief of Police to erect signs in the Town of Littleton for the control of traffic and officially designate any such sign or signs by an authorization in writing to the Chief of Police, recorded in the office of the

Town Clerk, said authorization containing a description of said sign and the location or position of the same. Sign(s) shall become effective upon said recording.

VII. Penalties

Any person violating provisions of Sections 1, 2, and 3 shall be punished by a fine of not less \$33.00 but not more than \$100.00, in accordance with RSA 651:2 and subsequent amendments thereto.

SECTION 4. BICYCLES (see CHAPTER 2)

SECTION 5. PEDESTRIANS

I. Pedestrians Crossing Streets

- A. No person shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close as to constitute immediate hazard. Anyone found in violation of this subsection shall be fined not less than \$5.00.
- B. No person shall cross any street within the compact area of the Town of Littleton at any point other than a marked crosswalk. A violation will result in a fine of not less than \$5.00.
- C. At intersections where "Walk" and "Don't Walk" signal are installed and in operation, it shall be unlawful for pedestrians to cross the way unless the signal indication permits such crossing. A violation will result in a fine of not less than \$5.00.

SECTION 6. PARKING METERS

- I. This section establishes metered parking in the downtown area of Littleton, NH (between Town Building and Social Security Office) and also establishes the allotted cost for that time and fines for violations.
- II. The meter regulations shall be enforced Monday through Saturday between 9:00 am and 5:00 pm. They shall not be enforced on Sundays or Holidays. The Board of Selectmen or the Town Manager may make special exceptions to these hours.
- III. Time – Costs  
The meters shall read:
  - 5 cents for ½ hour
  - 10 cents for 1 hour
  - 20 cents for 2 hours\*\*\*
- IV. Use of Meters  
Except in a period of emergency to be determined by an officer of the Fire Department, or in compliance with the direction of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space along side or next to which a parking meter is located, the operator of such vehicle shall, upon entering said parking space with a meter, immediately deposit

or cause to be deposited proper coin of the United States as is required for its operation. After deposit of the proper coin(s), the driver of said vehicle shall also set in operation the timing mechanism in accordance with the directions appearing on the meter. Failure to deposit the proper amount shall subject the operator and/or owner of the vehicle to an overtime parking of not less than \$5.00.

Exception- However, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which said space is located, provided that any person placing the vehicle in a parking meter space adjacent to a meter which indicates an unused time has been left in the meter by a previous occupant of the space, shall not be required to deposit a coin so long as his occupancy does not exceed the indicated unused parking time. If occupancy will extend past the unused parking time, the owner and/or operator of the vehicle must deposit the required amount(s) to remain for the longer period of time. Failure to do so will result in violations of Section 6:IV and 5:V.

V. It shall be a violation of this section for any person to cause, allow or permit any vehicle registered in the name of or operated by such person to remain or be placed in any parking space adjacent to a meter while such meter is displaying a signal indicating that such time limit has expired; then, and in that event, such vehicle shall be considered as parking overtime and shall be subject to an overtime and shall be subject to an overtime parking charge of not less than \$5.00.

VI. Enforcement

The police department shall be responsible for the regulation, control and use of such parking meters. The police department shall be responsible for the maintenance and collection of fees from such parking meters. Each parking meter shall be so arranged that upon the expiration of the specified time limit, and indication of such expiration will be given by a proper visible signal. This visible signal will service as prima facie evidence that the right to occupy said parking space has ceased and the owner and/or operator thereof shall be subject to an overtime parking charge of not less than \$5.00.

VII. Feeding Meters

There shall be no feeding of meters. Any vehicle found in violation of metered parking by feeding meters past the two (2) hour limit shall be fined (in addition to any ticket already issued) the additional sum of \$5.00 for each two (2) hour period.

VIII. Courtesy Parking Tickets/Permits

Courtesy parking tickets/permits shall be issued only with the prior approval of either the Police Chief or his designee for a sum of \$5.00. This ticket/permit shall be valid for one day only.

IX. Appeals

Any person who wishes to appeal a parking ticket may do so within 5 business days of the date of issue. The appeal should be dated and in

written form and signed by the person making the appeal. Please forward to:

-

Chief of Police

Littleton police Department

Littleton, NH 03561

The decision of the Chief shall be final

#### X. Vandalism of Meters

It shall be unlawful and a violation for any person to:

- a) Deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter
- b) Deposit or cause to be deposited in any parking meter any slugs, device or metal substance or other substances that act as substitutes for lawful coins of the United States.

Such person shall be subject to a fine of not less that \$33.00 nor more than \$100.00 in accordance with RSA 651:2, and subsequent amendments thereto.

#### XI. Payment of Fines

Overtime parking charges may be paid at the police station.

#### XII. Proof of Ownership

Proof of ownership through registration shall be prima facie evidence that such owner operated or allowed said vehicle to be operated by another in violation of this section, and said owner may be charged for any violation of this section by such person

#### XIII. Special Uses

Nothing in this section shall prevent the holding of certain parking meters as a reservation for special uses upon the determination and authorization of either the Board of Selectmen or the Town Manager. Any vehicle parked in violation of such special use shall be subject to fine of not less than \$5.00

SECTION 7: ABANDONED VEHICLES

- I. The Town shall follow the provisions of NH RSA 262:40-c, except that:
  - A. For unregistered vehicles no enforcement action shall be taken for 48 hours
  - B. For registered vehicles no enforcement action shall be taken for 10 calendar days

## CHAPTER 2

### BICYCLE AND PEOPLE POWERED VEHICLE ORDINANCE

Be it ordained by the Board of Selectmen of the Town of Littleton New Hampshire as follows:

#### Purpose

The purpose of this ordinance is to promote pedestrian safety on all public walkways and sidewalks in the down town business area of Littleton. All provisions of the New Hampshire Revised Statute Annotated shall apply.

#### Scope

The scope of this ordinance restricts the operation of in-line skates, skateboards, bicycles and other person powered vehicles on public walkways, sidewalks and parking lots in the downtown area of Littleton.

#### Section 1 – Definitions:

- I. Bicycle - Every device propelled by human power upon which any person(s) may ride, having two tandem wheels.
- II. Person powered Vehicles - Shall include, but not be limited to in-line skates, skateboards, scooters, adult driven tricycles and roller skates.
- III. Party - Shall mean person(s) regardless of age.
- IV. Chief of Police - Shall mean the Chief of Police of the Town of Littleton.
- V. Downtown area - Shall mean the area of Main Street between the Town building and Elm Street, between the Cottage Street railroad crossing and the Town building, municipal parking lot off Pleasant Street and the Community House parking Lot.
- VI. Operation - Riding on Sidewalks, Walkways and Parking Lots in downtown area.

#### Section 2 - Enforcement:

- I. No person shall operate a bicycle or person powered vehicle on any sidewalk, public walkway and municipal parking area, in the downtown area of Littleton.
- II. Bicycles and people powered vehicles shall yield to the right of way to pedestrians and to motor vehicles at all times.
- III. Persons propelling a bicycle or in-line skating shall always be with the flow of vehicular traffic.

- IV. Bicycles and People powered vehicles shall follow all state and local traffic regulations.
- V. Persons being 16 years of age and older shall be allowed to use the travel portion of the street in the downtown area for the purpose of in-line skating. All other persons shall remove said skates in the downtown area.
- VI. Because of danger to the rider of a skateboarder, the drivers of motor vehicles and pedestrians, skateboards are hereby prohibited from using any portion of the downtown area of Littleton.
- VII. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached to the bicycle.
  - A. No Bicycle shall be used to carry more persons at one time than the number for which it was designed and equipped.
  - B. No person, riding upon any people powered vehicle including but not limited to 2bicycle, coaster, roller skates, in-line skates, skateboard, sled or toy vehicle shall attach the same or himself to any vehicle on the roadway.
  - C. No person operating a bicycle shall carry any package, bundle or article which prevents the driver/rider from keeping at least one hand upon the handlebars.
  - D. Persons riding bicycles two (2) or more abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single line.
  - E. Bicyclists intending to turn right or left shall be required to give a continuous hand or arm signal unless the hand is needed to control the operation of the bicycle.
  - F. A person propelling a bicycle may pass a slower moving vehicle in the same lane provided such movement can be made with reasonable safety.
  - G. Any bicyclist shall stop upon the demand of a police officer and permit his/her bicycle to be inspected.
  - H. No bicycle shall be operated unless steering, brakes, tires and other required equipment are in safe condition.

### Section 3 – Required Equipment

#### I. Bicycles

##### A. Headlamp

Every bicycle operated upon any public way during darkness, shall be suitably equipped with front lamp and rear reflector, sufficient to meet the requirements as set forth in NH RSA 266:86.

B. Peddle Reflector

No person shall operate any bicycle unless it is equipped with suitable pedal reflectors as set forth in NH RSA 266:87.

C. Brakes

No person shall operate any bicycle which is incapable of meeting the standard stopping distance as set forth in NH RSA 266:87.

II. In-line Skaters and Skateboarders

In-line skaters and skateboarders are STRONGLY URGED but not required to wear the following safety equipment.

A. Helmet

B. Hard shell knee pads

C. Hard shell elbow pads

D. Hard shell wrist pads

This equipment should meet the standards of the Snell Memorial Foundation and/or the American National Standards Institute.

Section 4. Exceptions

- I. POLICE BICYCLE UNITS ARE EXEMPT FROM THIS ORDINANCE
- II. Any vehicle designed for and operated by a person considered to be handicapped, and needed for the purpose for providing mobility to said individual.
- III. Tricycles operated by pre-school aged children under supervision of responsible adult, strollers, carriages and wagons used by individuals for carrying children or daily necessities.
- IV. Bicycles, skateboards, scooters and adult driven tricycles are permitted on sidewalks only when dismounted, or in the case of in-line skates or roller skates, not being worn by the operator.

Section 5. Erection of Signs

After these regulations have been placed in effect, the Board of Selectmen and the Town Manager shall authorize the Chief of Police to erect signs in the Town of Littleton for the control of both pedestrian and vehicular traffic and officially designate any such sign or signs by an authorization in writing to the Chief of Police, recorded in the office of the Town Clerk, said authorization containing a description of said sign and the location or position of the same. Sign(s) shall become effective upon said recording.

Section 6. Violations and Penalties:

- I. Any person found violating this chapter shall be guilty of a violation, and shall be fined no more than fifty dollars (\$50.00).

- II. Any person, who violates any provision of this ordinance, may have his/her bicycle, skateboard or in-line skates impounded by a police officer for a period of time not to exceed thirty (30) days.
- III. In the case of a minor (under the age of sixteen) the release from impoundment shall be accomplished by the parent or legal guardian of child.
- IV. A summons may be issued to those persons, 16 years of age and older, for any offense under the ordinance, payable with a fine up to \$50.00.

Section 7. Repealer

This ordinance supersedes Ordinances, Chapter 1, Section 11 entitled Bicycles. Chapter 2, entitled Skateboards.

The above described ordinance shall take effect immediately upon adoption by the Board of Selectmen. Signed this day \_\_\_\_ in the month of \_\_\_\_\_ in the year of .

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Revised June 24, 1996 at the board of Selectmen's Meeting

CHAPTER 3  
DOG REGULATION

Section 1. Definition of Terms

As used in this ordinance, unless the context otherwise indicates.

- I. "Dog" shall be intended to mean both male and female.
- II. "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- III. "At Large" shall be intended to mean of the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.
- IV. "Leash" shall mean/be considered to be not over 6 feet in length.

Section 2.

No owner or keeper of any dog shall permit such dog to RUN AT LARGE.

Section 3. Exceptions to "Leash Law"

It shall be unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, herding, supervised competition and exhibition or training for such. RSA 466:30-a.

For the purpose of this section, "accompanied" means that the owner or custodian must be able to see or hear or both, or have reasonable knowledge of where the dog is hunting, herding or where training is being conducted or where trials are being held. Nothing herein provided shall mean that the dog must be within sight at all times. RSA 466:30-a.

Section 4. Impounding

It shall be the duty of police officers (or some other designated official to apprehend any dog running at large and to impound such dog in the town pound or other suitable place. The police officer (or some other designated official) upon receiving any dog shall make a complete registry, entering the breed, color(s) and sex of such dog and whether it is licensed or not. If licensed, he shall enter the name and address of the owner and the number of the license tag. Licensed dogs shall be separated from unlicensed dogs.

Section 5. Notice

The owner shall be notified not later than two days after the impounding of any dog.

Section 6. Redemption

The owner of any dog so impounded may reclaim such dog upon payment of the license fee and any other penalty as set forth in this ordinance if unpaid, and all costs and charges incurred by the Town of Littleton for impounding and maintenance of said dog. The following charges shall be paid to the Town of Littleton: for impounding any dog \$5.00 per day up to 10 days. After that time period the dog will be destroyed.

Section 7. Written Complaints

Any person who considers a dog to be a nuisance, a menace or vicious to persons,

property or other animals, may make a written complaint to any Littleton law enforcement officer. If the complaint is sustained, the owner, keeper or person who harbors the dog shall be ordered to abate the nuisance or menace within 48 hours. RSA 466:31.

#### Section 8. What Constitutes a Nuisance

A dog is considered a nuisance if it meets any of, but not limited to, the following conditions:

- I. If it barks for sustained periods of time, during the day or night so as to disturb the peace and quiet of the neighborhood or area;
- II. If it digs, scratches, excretes or causes waste or garbage to be scattered on the property of one other than its owner;
- III. If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such a manner that she will not come into contact (except for intentional breeding purposes) with a male dog. A female dog in season (heat) shall not be used for hunting. RSA 466:31 II.

#### Section 9. What Constitutes a Menace

A dog is considered a menace if it meets any of, but not limited to, the following conditions:

- I. If it growls, snaps at, runs after or chases any person or persons;
- II. If it runs after, or chases bicycles, motor vehicles being driven, pulled or pushed on the streets, highways or public ways. RSA 466:31 II.

EACH TIME ONE OF THESE CONDITIONS IS MET IT CONSTITUTES A SEPARATE OFFENCE.

#### Section 10. What Constitutes Vicious

If whether alone or in a pack with other dogs, it bites, attacks or preys on game animals, domestic animals, fowl or HUMAN BEINGS. RSA 466:31 II.

#### Section 11.

Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance or menace found under the provisions of sections 8,9 and 10, or who fails to comply with any other provisions of those sections after being so ordered, shall have his or her dog taken into custody by the police of the Town of Littleton and such disposition made of the dog as the court may order RSA 466:31 III. Any dangerous, fierce or vicious dog found at large that can not be safely taken up and impounded by a police officer may be disposed of by such police officer.

#### Section 12. Liability of Owner or Keeper

Any person to whom or to whose property damage is done by a dog not owned or kept by him shall be entitled to recover such damages from the person who owns or keeps

the dog, unless the damage was occasioned to him while he was engaged in commission of a trespass or other tort. RSA 466:19.

### Section 13. Penalties

Under sections 1, 2 and 3: Any owner found violating provisions of this ordinance shall be guilty of a violation and fined as established in Chapter 18.

Under sections 8, 9 and 10: Any person who violates any provision shall be guilty of a violation; provided that if such person chooses to pay the civil penalty, he shall be deemed to have waived his right to have the case heard in court and shall not be prosecuted for or found guilty of a violation of these sections. Any person who does not pay the civil penalty shall have the case disposed of in court. RSA 466:31-a I.

Any person who violates any of the provisions of Sections 8, 9 and 10 shall be liable for civil penalties, which shall be paid to the Town Clerk of the Town of Littleton within three (3) days after notice is given to the owner or keeper by any law enforcement officer of the violation of these sections. RSA 466:31-as II.

- I. \$10.00 for nuisance violations under section 8 plus any costs incurred under sections 6 and 11.
- II. \$15.00 for menace violations under section 9 plus any costs incurred under sections 6 and 11.
- III. \$25.00 for vicious violations under section 10 plus any costs incurred under sections 6 and 11.

Any person who pays a civil penalty concerning sections 8, 9 and 10 three (3) times in any year (based on records of town Clerk) may not pay a civil penalty for subsequent violations of these sections in that year, but shall have those cases disposed of in court. RSA 466:31-a III.

## CHAPTER 4

### BUILDING LINE ORDINANCE

#### Section 1. Purpose

To notify the merchants of the Town of Littleton of the existence of a building line beyond which no merchandise may be exhibited for sale, and to establish the penalty for any violation of this ordinance.

#### Section 2. Building Line

For the purpose of this ordinance, a building line exists three (3) feet from the front wall of the building. It shall be unlawful for any merchant to display any merchandise on the public sidewalk beyond this line.

#### Section 3. Penalty

Any person who violates this ordinance shall be punished by a fine as established in CHAPTER 20 for the first offense, and any succeeding offense(s) shall be cause for arrest on a misdemeanor charge of disorderly conduct pursuant to RSA 644:21V.

#### Section 4. Waiver

This ordinance can be temporarily waived for events by prior approval of the Board of Selectmen.

## CHAPTER 5

### PUBLIC DRINKING ORDINANCE

#### Section 1.

No person shall drink or consume at any time intoxicating liquor (as defined in RSA 21:33) nor carry or have in his possession any open container(s) of intoxicating liquor upon any public sidewalk, public street, waterway, public park and/or public playground or in a motor vehicle within the Town of Littleton.

#### Section 2.

Any person violating the foregoing ordinance shall, upon conviction thereof be punished by a fine as established in CHAPTER 20.

## CHAPTER 6

### CHIMNEY AND HEATING UNIT INSPECTION

#### Section 1.

Pursuant to Article 23 of the 1979 Littleton Town Warrant, the Littleton Fire Department shall have the authority to inspect all new chimney and heating unit installations within the Town of Littleton, New Hampshire.

#### Section 2.

All inspections will be done in accordance with the 1986 National Fire Codes (NFPA 89-M 211) and any amendments thereto.

#### Section 3.

Any person(s) who fails to have such inspection done shall be subject to a penalty. This will be done in accordance with CHAPTER 20 of the Littleton Town Ordinances.

#### Section 4. Fee

There shall be no fee for such inspection.

## CHAPTER 7

### LIFE 101

#### Section 1. Purpose

The purpose of this ordinance is for the Town of Littleton to adopt for use NFPA 101 Code for Safety to Life from Fire in Buildings and Structures (hereafter referred to as Life Safety 101), 1994 Edition, as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, including any/all amendments thereto.

#### Section 2. Administration

This ordinance shall be administered by the Littleton Fire Department.

#### Section 3. Penalties

Any person that violates any provision of Life Safety 101 and any/all amendments thereto shall be subject to a penalty. This will be done in accordance with Chapter 20 of the Littleton Town Ordinances. Each day that a person is in violation of Life Safety 101 shall constitute a separate offence.

#### Section 4. Amendments

Amendments to this chapter shall be made in accordance with RSA 647:52(VI):

- I. The Littleton Planning Board shall prepare an amendment to this Chapter that makes insertions in, deletions from or exceptions to the Life Safety 101. No amendment to the local to the local Life 101 ordinance except as may be necessary to effect the substitution of revised Life Safety 101 shall be adopted using the simplified procedure of this paragraph.
- II. The Planning Board shall hold a public hearing on the proposed update or revision, with notice as provided in RSA 675:7. Such notice shall include information stating where the proposed Life 101 amendment and the new or amendment and the new or amended Life Safety 101 are available for public inspection.
- III. Following such hearing, the update or revision shall become final upon approval by the selectmen and recording with the Town Clerk.

***Amended at the 1995 Town Meeting by the voters of Littleton***

## CHAPTER 8

### PAWNBROKERS

The licensing and regulation of pawnbrokers shall be in accordance with RSA 398 and any/all amendments thereto.

#### Section 1.

The provisions of New Hampshire Rev. Stat. Ann. 398 relating to pawnbrokers and all amendments thereto are hereby adopted and are in full force in the Town of Littleton.

#### Section 2.

No person shall carry on a business of a pawnbroker within the Town of Littleton unless he or she is duly licensed therefore by the Town Clerk, who is hereby delegated the licensing authority granted to the Board of Selectmen under RSA 398:5. The clerk may upon application, issue licenses to such persons as may be deemed proper to do business as pawnbrokers and such license shall be enforced for one year from the date of issue, but may be revoked by the Board of Selectmen under the terms of RSA 398:5. Such license shall designate the place where the business is to be conducted and the license shall not conduct any business as a pawnbroker at any other place in the Town without obtaining further license for additional locations. The FEE for each license shall be \$50.00 per year.

#### Section 3.

Every person licensed as previously described shall keep a book of records at his or her place of business in which they shall enter in English at the time of receiving same, a detailed description of any article left for pay, particularly mentioning any prominent or descriptive marks on same with the name and address of the person from whom he received it, noting also the day and hour and the amount paid or loaned thereon; and such book or record and the articles left for pawn, shall at all times be open to the inspection of the chief of police or any person designated by him.

#### Section 4.

No person licensed as aforesaid shall directly or indirectly receive any article in pawn from a minor, knowing or having reasonable cause to believe him to be such, without the consent in writing of a parent or guardian of such minor. All person so licensed, when requested to do so by the police chief, shall make a daily statement to him of the articles left with him for pawn.

## CHAPTER 9

### YARD SALE AND FLEA MARKETS

#### Section 1. Definition

A "YARD SALE" or "FLEA MARKET" for the purpose of this ordinance shall be deemed to be the sale of used items offered to the public in an indoor or outdoor display on property normally used for the purposes other than such sales. Examples of other purposes include but are not limited to residences, vacant lots and commercial properties. This ordinance section shall also include "barn sales", and "garage sales" or other similar activities.

#### Section 2. Time Limit

No property located in any area of the town not zoned for retail sales shall be used for the purpose of operating a yard sale or flea market for more than 10 days in any calendar year. Any property so designated in the zoning ordinance as allowing retail sales may be used for the same in excess of this limitation provided all appropriate permits and licenses are obtained. It should be the responsibility of the owner or owners of the premises to ensure that the time limitation contained herein is not violated.

#### Section 3. Signs

No sign advertising any yard sale or flea market as controlled by this ordinance shall be posted more than 2 hours prior to the commencement of the sale and all signs shall be removed no more than 2 hours after its termination. No sign shall be posted on any property without the permission of the owner thereof. It shall be the responsibility of the person or persons operating the yard sale to comply with this provision.

#### Section 4. Notification to Police Department

Any person wishing to operate a yard sale or flea market within the Town of Littleton shall notify the Littleton Police Department no less than 24 hours prior to the commencement of the sale. This notification shall include the location of the sale and the proposed times and dates of the event. Any person operating such a sale and any person attending the same shall comply with the requests and requirements of the Littleton Police Department or its individual officers with regard to the flow of traffic and parking of vehicles in connection with such sale.

#### Section 5. Penalty

Any person who violates any of the above provisions shall be subject to a penalty. This will be done in accordance with CHAPTER 20 of the Littleton Town Ordinance.

CHAPTER 10  
PILING OF SNOW

Section 1.

It shall be unlawful for any person(s) to pile snow or allow snow to be piled on his property in such a manner that it will block or impair the view of the driver of any vehicle while driving on the streets within the Town of Littleton, New Hampshire. Any person or persons shall not cause or allow snow to be moved from private property into any public highway or sidewalk within the Town of Littleton. Any person or persons who in the course of moving snow from one property to another shall not throw said snow across any public highway or sidewalk in the Town of Littleton.

Section 2. Persons Liable

The owner of the property involved and the person who actually violated any section of this ordinance shall be jointly and severally liable for the fines and damages that result from creation of the hazard.

Section 3. Notice and Abatement

It shall be the duty of the police department and/or town crew to determine whether such piling of snow has created a hazard. Once it is determined that a hazard exists, the police department shall give the owner of the property involved immediate notice (written or oral) that he is in violation of this ordinance. The owner has 24 hours to abate the problem or be subject to a penalty.

Section 4. Penalty

Any person who violates the above provisions shall be subject to a penalty. This will be done in accordance with CHAPTER 20 of the Littleton Town Ordinances.

## CHAPTER 11

### BRIDGE STREET LANDFILL

#### Section 1. Authority and Purpose

This ordinance is adopted under the authority RSA 31:39, RSA 149-M and approved by action of the 1990 Town Meeting vote. The Town hereby regulates the use of the Town LANDFILL for the purposes of: proper management of facility, controlling costs, assuring proper and efficient utilization of resources and establishment of mandatory separation for recycling various waste materials.

#### Section 2. Hours

Hours shall be those as established by the Board of Selectmen. The hours shall be posted at the landfill.

#### Section 3. Use

The Bridge Street Landfill may be utilized by bona fide Town of Littleton residents, property owners and those commercial and industrial firms doing business with the Town of Littleton and disposing of waste generated within the Town of Littleton.

#### Section 4. Landfill Permits

Admission to the landfill for the purpose of disposing of waste will only be valid and current landfill permit or by previously arranged special temporary permit. Permits will be issued annually and temporary permits will be issued by Littleton Tax Collector for disposal of waste generated in the Town of Littleton. Temporary permits shall be issued weekly only for the balance of said week and brought to the facility contractors or businesses that are not taxpayers in the Town of Littleton. See "Attachment Landfill Permit Requirements".

#### Section 5. Regulated Materials

- I. The following materials will NOT be accepted at the Bridge Street Landfill:
  - A. Hazardous Waste, whether household, commercial or industrial.
  - B. Any material, which in the opinion of the landfill attendant constitutes a hazard to other users, town employees, town property or to the operation of the facility.
  - C. Trees, stumps or brush greater than 1 inch in diameter.
  - D. Unpainted and untreated wood and scraps.
  - E. Un-sterilized infectious waste from any source including hospitals, veterinarians, nursing home or private residences.
  - F. Hot ashes must be taken to the burning dump on Mt. Eustis Road.
- II. Asbestos in any form will be accepted only by special arrangement. Twenty four hour notice must be given before disposal and all asbestos must be rendered non-friable, double bagged in approved asbestos disposal containers and handled by the resident or contract disposing of it.
- III. The following material are accepted only upon payment for disposal in accordance with "Attachment B".
  - A. Tires

- B. Household Appliances
- C. Any PCB containing capacitor that is not labeled “No PCBs”.

#### Section 6. Separation

- I. The following materials must be separated from household rubbish and disposed of at appropriate designated areas within the facility:
  - A. Scrap Metals. All non-metal parts must be separated and disposed of appropriately.
  - B. Construction and Demolition Debris. All painted and treated wood, sheet rock, asphalt, shingles, masonry etc. must be disposed of in the construction and Demolition area.
  - C. Furniture and Televisions must be disposed in construction and Demolition area.
  - D. Waste Motor Oil. Residential crankcase oil must be deposited in the designated area.
  - E. Wet Cell Batteries. All wet cell (Motor vehicle) batteries must be deposited in the designated area.
  - F. Leaves and Grass Clippings. All leaves and grass clippings must be deposited in the designated compost area and removed from the bags and containers by the depositor.
  - G. Corrugated Cardboard. Corrugated Cardboard containers shall be separated from any other waste and deposited in the designated area. Such cardboard shall be kept clean and dry, must be free of packing materials and food waste and shall not include waxed cardboard or previously recycled cardboard.
  - H. Tires. All tires must be disposed of in the designated area and only after payment of all disposal fees (See Attachment B – Landfill fees).
  - I. Household Appliances. All appliances listed in “Attachment B – Landfill Fees” must be deposited in the designated area and only after payment of any disposal fees.
- II. The Following materials may be recycled at the Bridge Street Landfill:
  - A. Glass
  - B. Aluminum Cans
  - C. Steel or Tin Cans

- D. Brown Paper Bags
- E. Plastic Detergent Bottles Labeled HDPE and Number 2
- F. Plastic Milk and Water Bottles
- G. Plastic Soda Bottles
- H. Plastic Containers labeled with #1 PETE
- I. Newspaper

#### Section 7. General Requirements

- I. Town personnel shall have the right to refuse the use of the facilities to any person, business, corporation or other user who who is misusing the facility or who does not have proper permit.
- II. NO firearms shall be discharged at the facility.
- III. No admission by the general public without prior authorization if the gate is closed or during closed hours. Any violation of this section will be considered trespassing.
- IV. Scavenging or unauthorized taking of materials deposited at the facility is not allowed without prior authority by the attendant.
- V. Any deposition of waste at the gate or along the roadside shall be subject to prosecution for littering.
- VI. All waste transported over Littleton's roadway, whether Town or State maintained, shall be covered or otherwise contained to prevent spillage.

#### Section 8. Violations and Penalties

Any person who deposits material in violation of these regulations or who otherwise violates these regulations shall be deemed to have violated a Town of Littleton Ordinance and shall be subject to a penalty. These persons may forfeit the privilege to use the landfill and/or be subject to a fine of up to \$1000.

Any person believing any fine or penalty is not justified may appeal to the Board of Selectmen within 7 working days.

This section is in accordance with RSA 31:39.

#### Section 9. Separability

The invalidity of any provision of this ordinance shall not affect the validity of any other provision nor the validity of the ordinance as a whole.

#### Section 10. Effective Date

These regulations shall take effect upon their passage by major vote of the Board of Selectmen.

### CHAPTER 12

### MT. EUSTIS BURNING SITE

Section 1. Hours

Operating and burning hours shall be those as established by the Board of Selectmen.

Section 2. Control

The attendants are in complete control of all operations and are authorized to report all violators of these regulations and all persons who fail to obey their instructions. Those persons reported may forfeit their privilege to use the sanitary landfill during the calendar year in which they are reported and may also be subject to a fine under Section 6.

Section 3. Use

This site may be utilized by bona fide Town of Littleton residents, property owners and those commercial and industrial firms doing business within the Town of Littleton and disposing of waste materials generated in the Town of Littleton.

Section 4.

All vehicles, except as noted below shall have in their possession an appropriate resident sticker in order to enter the site. Stickers may be obtained at the Town Office. Commercial and industrial firms that are not taxpayers in the Town of Littleton shall obtain written permits from the Public Works Superintendent for refuse disposal that is derived from projects in the Town of Littleton on which they are working.

Section 5.

The Board of Selectmen or its authorized designee shall formulate rules for the operation of the Bridge Street Landfill for adoption by the Board of Selectmen. Upon adoption of said operating rules, the Town shall provide in a newspaper of general circulation advising that the rules have been adopted and copies are available at the Town Clerks office. Said rules shall be posted at the landfill.

Section 6. Burning

All burning at the Mt. Eustis site will be in compliance with and under the authorization of the Air Resources Commission, specifically WOOD AND BRUSH ONLY.

Section 7. Penalty

Violators of these regulations will be prosecuted. Any person who violates any of the above provisions shall be subject to a penalty. This will be done in accordance with CHAPTER 20 of the Littleton Town Ordinances and/or any penalty provisions under Section 2 of this ordinance.

## CHAPTER 13

### SEWER USE ORDINANCE

Pursuant to enabling authority in New Hampshire Revised Statutes Annotated 149-I:6, the following is an ordinance regulating the use of public and private sewers and drains, private waste water disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s): and providing penalties for violations thereof: in the Town of Littleton, County of Grafton, State of New Hampshire.

Be it ordained and enacted by the Selectmen of the Town of Littleton, County of Grafton, State of New Hampshire, by the authority granted them through RSA 149-I:24 adopted at the 1990 Town Meeting, as follows:

#### Article I

#### Definitions

Unless the context specifically indicates otherwise, the meaning of term used in this ordinance shall be as follows:

Section 1. "Biochemical oxygen demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.

Section 2. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Section 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Section 4. "Bypass" shall mean the intentional diversion of waste streams from any portion of a wastewater treatment facility.

Section 5. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

Section 6. "Domestic wastewater," or "sanitary sewage," shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.

Section 7. "Floatable oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Section 8. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Section 9. "Industrial User" shall mean a person who discharges industrial wastes to the sanitary sewer of the Town.

Section 10. "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Section 11. "Interference" shall mean a Discharge of an Industrial User which, alone or in conjunction with discharges by other source, inhibits or disrupts the Publicly Owned Treatment Works (POTW), its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with ground water protection rules, Ws 410, solid waste rules, He-P 1905 and Appendix III, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

Section 12. "May" is permissive (see "shall", Sec. 25).

Section 13. "National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard" shall mean any regulations containing pollutant discharge limits promulgated by USEPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C.1347), which apply to a specific category of industrial users and which are found in the Code of Federal Regulations 40 CFR, Subchapter N, parts 401 through 471.

Section 14. "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or any other body of surface or ground water.

Section 15. "Pass through" shall mean the discharge of pollutants through the POTW into surface waters in quantities or concentrations, which along or in conjunction with discharges from other sources, is a cause of a violation of any requirements of the POTW's National Pollutant Discharge Elimination System. NPDES permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.

Section 16. "Person" shall mean any individual, firm, company, association, society, corporation, group, partnership, municipality, governmental subdivision or other entity.

Section 17. "pH" shall mean the logarithm of the reciprocal of the hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .

Section 18. "POTW or Publicly Owned Treatment Works" shall mean a wastewater treatment works, which is owned by a State or a municipality. This definition includes any devices and systems used in the storage treatment recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to POTW wastewater treatment works. The term also means the municipality, which has jurisdiction over discharges to

and the discharges from such a treatment works.

Section 19. "Properly shredded garbage" shall mean the animal or vegetable wastes from the preparation, cooking, and dispensing foods that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

Section 20. "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.

Section 21. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admittedly intentionally.

Section 22. "Screening level" means that concentration of a pollutant which under baseline conditions, would cause a threat to personnel exposed to the pollutant, or would cause a threat to structures of wastewater facilities. To be administered as limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.

Section 23. "Septage" is waste, both liquid and solid, that has undergone the process of purification within the confines of a septic tank.

Section 24. "Sewage" is the spent water of a community. The preferred term is "wastewater", Sec. 31.

Section 25. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

Section 26. "Sewer Service Area" shall mean any structure within 100 feet of a publicly owned sewer line.

Section 27. "Shall" is mandatory (see "may", Sec. 12).

Section 28. "Significant industrial user" shall mean all industrial users subject to categorical pretreatment standards, any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the Control Authority (EPA) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW or for violating any pretreatment standard or requirement.

Section 29. "Slug" shall mean any discharge of waster or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation or which shall adversely affect the collection system and/or performance of the wastewater treatment works.

Section 30. "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water

from any source.

Section 31. "Superintendent" shall mean the Superintendent of Public Works of the Town of Littleton, or his authorized deputy, agent, or representative.

Section 32. "Suspended solids" (SS) shall mean a total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removed by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

Section 33. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 34. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

Section 35. "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Section 36. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment facility" or "water pollution control plant".

Section 37. "Waste-course" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Section 38. "WSPCD" shall mean the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services.

## Article II

### Use of Public Sewers Required

Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage, or other objectionable waste, in any unsanitary manner on public or private property within the Town of Littleton, or in any area under the jurisdiction of said Town of Littleton.

Section 2 . It shall be unlawful to discharge to any natural outlet within the Town of Littleton, or in any area under the jurisdiction of said Town of Littleton, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with federal, state and local requirements.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the

disposal of wastewater within the sewer service area.

Section 4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town of Littleton and abutting on any street, alley, or right-of-way in which a public sanitary sewer of the Town is located, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the said house or building. The provisions of this section shall be waived for existing septic systems within the current sewer service area. As these systems fail, they shall be required to connect to the public sanitary sewer system. *(Amended 9/8/04)*

### Article III

#### Private Wastewater Disposal

Section 1. Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

Section 2. Before issuance of a building permit and commencement of a construction of a private wastewater disposal system the owner(s) shall first obtain design approval from the Water Supply and Pollution Control Division (WSPCD) of the New Hampshire Department of Environmental services.

Section 3. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the Water Supply and Pollution Control Division (WSPCD).

Section 4. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article II, Section 4, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or removed. Septic systems within the sewer service area at the date of passage of this ordinance will be required to connect to the public sanitary sewer system when the septic system fails to operate properly.

Section 5. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no expense to the Town of Littleton. At no time shall any quantity of industrial waste be discharged to a private domestic wastewater disposal facility.

Section 6. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer pursuant to RSA 147:8.

### Article IV

## Building Sewers and Connections

Section 1. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Superintendent of Public Works.

Section 2. There shall be two (2) classes of building sewer permits: (a) for residential service producing only domestic wastewater, and (b) for service to non-residential establishments wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the Town of Littleton. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent of Public Works. A permit and inspection fee is required as described in Appendix I and shall be paid to the Town of Littleton at the time the application is filed.

Section 3. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town of Littleton from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear of the building and the whole considered as one building sewer, but the Town of Littleton does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Section 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent of Public Works, to meet all requirements of this ordinance.

Section 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing or the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the materials and procedures set forth in appropriate specifications of the American Society of Tests and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9, including any amendments thereto, shall apply.

Section 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at owners expense.

Section 8. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

Section 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the

ASTM and the WEF Manual of Practice No. FDE-5. All such connections shall be made gas-tight and water-tight and verified by proper testing. All connections shall be protected from backflow with an approved backflow device. Any deviation from the prescribed procedures and materials must be approved by the director of public works (or his designee) before installation. *(Amended 9/8/04)*

Section 10. The applicant for the building sewer permit shall notify the Superintendent of Public Works when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent of Public Works or his representative.

Section 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town of Littleton at the expense of the owner.

Section 12. Any person proposing a new discharge into the system, or a discharge of listed or characteristic waste, or an increase in the volume, or in the strength or character of pollutants that are discharged beyond limits previously permitted into the system shall notify the Superintendent of Public Works at least 60 days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics in industrial discharges must be approved by the Water Supply and Pollution Control Division.

## Article V

### Use of the Public Sewers

Section 1. No person(s) shall discharge or cause to be discharged to the wastewater facilities any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or non-contact cooling water.

Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or a natural outlet approved by the Superintendent of Public Works. Industrial cooling water or process waters require a New Hampshire Department of Environmental Services (NHDES) permit prior to discharge to a storm sewer or natural outlet.

#### Section 3

- I. Pollutants introduced into the sanitary sewer by an industrial user shall not pass through or interfere with operation or performance of the POTW.
- II. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - A. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR 261.21.

- B. Any Industrial wastes including oxygen demanding wastes (BOD, etc.) at a flow rate and/or concentration which would cause interference with the wastewater treatment works, constitute a hazard to humans or animals, create a public nuisance, exceed any applicable National Categorical Pretreatment Standards, or cause pass through.
- C. Any waters or wastes having pH lower than 5.0 or higher than 12.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- E. Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104F (40C) or cause inhibition of biological activity in the POTW.
- F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- G. Pollutants, which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems.
- H. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

Section 4. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property, or constitutes a nuisance. The Superintendent of Public Works may set limitations lower than the limitations that are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent of Public Works will give consideration to such as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The Superintendent of Public Works shall not permit those discharges, which are prohibited by Section 3 of this Article. The limitations or restrictions on materials or characteristics of wastewaters discharged to the sanitary sewer which shall not be exceeded without approval of the Superintendent of Public Works are as follows:

- I. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.

- II. Wastewater containing more than 100 milligrams per liter of oil and grease or floatable oil not limited by paragraph A of this Section.
- III. Any garbage that has not been properly connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- IV. Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Superintendent of Public Works, the WSPCD, or the National Categorical Pretreatment Standards, as promulgated by the U.S. Environmental Protection Agency, for such materials.
- V. Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Superintendent of Public Works.
- VI. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent of Public Works in compliance with applicable state or federal regulations.
- VII. Quantities of flow, concentration, or both which constitute a "slug" as defined herein.
- VIII. Waters or wastes containing substances, which are not amenable to treatment by the wastewater treatment processes, employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the permitted discharge.
- IX. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- X. Wastewater with any of the any constituent at concentrations greater than those set by the Superintendent of Public Works.
- XI. Wastewater, which has a concentration of any pollutant above the screening levels, set by the Superintendent of Public Works. Such screening levels, generated on the basis of standard conditions, shall be adjusted for the particular conditions applicable to the specific discharge. Fume toxicity screening levels shall be adjusted when administered as limits to account for the pH, temperature, dilution, other toxic fumes and ventilation present at the site of the particular discharge. The screening level for sulfate shall be adjusted when administered as a limit to account for the type of concrete used in sewer construction and the dilution present.

Section 5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics

enumerated in Section 4 of this Article, and which in the judgment of the Superintendent of Public Works, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent of Public Works may, subject to imitations in Sections 3 and 11 of this Article:

- I. Reject the wastes;
- II. Require pretreatment to an acceptable condition for discharge to the public sewers;
- III. Require control over the quantities and rates of discharge; and/or D below
- IV. Require payment to cover added cost of handling and treating the wastes. If the Town permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Town and the WSPCD, and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected to sanitary sewer until said approval is obtained in writing. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer registered in New Hampshire.

Section 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent of Public Works, they are necessary for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts, as specified in Section 4 (B), or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent of Public Works, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent of Public Works. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. The Town Health Officer shall have the authority to inspect said interceptors and perform any other duties as proscribed by Federal, State or Local law.

Section 7. All industrial waste shall be pretreated in accordance with federal and state regulations and this ordinance to the extent required by applicable National Categorical Pretreatment Standards, state pretreatment standards or standards established by the Superintendent of Public Works, whichever is more stringent. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

Section 8. When required by the Superintendent of Public Works, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be

constructed in accordance with plans approved by the Superintendent of Public Works. The structure shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

All industrial users shall perform such monitoring as the Superintendent of Public Works or duly authorized employees of the Town may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board. Such records shall be made available upon request by the Board to other agencies having jurisdiction over discharges to the receiving waters.

- I. Section 9. The Superintendent of Public Works may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:
- II. Wastewater discharge peak rates and volume over a specified time period.
- III. Chemical analyses of wastewaters
- IV. Information on raw materials, processes, and products affecting wastewater volume and quality.
- V. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- VI. A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- VII. Plans & specifications of wastewater pretreatment facilities.
- VIII. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 10. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with EPA approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136), or if none are available, then with methods specified in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent of Public Works.

Section 11. No statement contained in this article, except for Section 3, shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, provided that such agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated there under, are compatible with any sewer Charge System in effect, and do not waive applicable National Categorical Pretreatment Standards.

Section 12. Septage may be accepted into the sewer system at a designated receiving structure within the treatment plant area or any other area designated by the Superintendent of Public Works for such purposes, and at such times as are established

by the Superintendent of Public Works, provided such wastes do not contain toxic pollutants or materials, and provided such discharge does not violate any other special requirements established by the Town. Permits to use such facilities shall be under the jurisdiction of the Superintendent of Public Works. The discharge of industrial wastes as "industrial Septage" requires prior approval by the WSPCD. Fees for dumping Septage will be established as part of the User Charge System. The sewage treatment plant operator acting on behalf of the Town of Littleton and its Board of Selectmen shall be in conformance with the operating policy of the Superintendent of Public Works and disposal shall be accomplished under his supervision unless specifically permitted otherwise.

Littleton need not accept Septage if it would interfere with proper operation of the municipal treatment and disposal facilities (as per RSA 486:13).

Section 13. It shall be illegal to meet requirements of this Sewer Ordinance by diluting wastes in lieu of proper pretreatment.

Section 14. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharges, shall be provided and maintained at the industrial user's expense.

Section 15. Bypass is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. The industrial user shall notify the Superintendent of Public Works immediately in the event of any bypass.

Section 16. A notice shall be permanently posted plainly visible to an industrial user's personnel responsible for managing wastewater discharges which shall instruct all employees whom to call in the event of a spill, slug discharge, pretreatment upset or bypass. Employers shall insure that all employees who may cause or suffer such a discharge to occur, know of the required notification of the Superintendent of Public Works.

Section 17. If sampling performed by an industrial user indicates a violation, the user shall notify the Sewage Treatment Plant Operator immediately upon becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Sewer Plant Operator within 30 days after becoming aware of the violation, except that the Industrial User is not required to resample if:

- I. The Town of Littleton performs sampling at the Industrial User at a frequency of at least once per month, or
- II. The Town of Littleton performs sampling at the Industrial User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

## ARTICLE VI

### INDUSTRIAL PRETREATMENT

Section 1. Applicability. All persons discharging industrial process wastes into public or private sewers connected to the Town's wastewater facilities, shall comply with applicable requirements of federal and state industrial pretreatment regulations (as amended), in addition to the requirements of these INDUSTRIAL PRETREATMENT RULES.

#### Section 2. Industrial Discharge Permit (IDO)

- I. IDP Required. Effective 120 calendar days after this provision is adopted by the Town, the discharge of any industrial waste to the Town's wastewater works or to a public or private sewer connected to the Town's wastewater facilities is prohibited without a valid Industrial Discharge Permit (IDP).
- II. IDP Application. Within 60 days after the effective date of these INDUSTRIAL PRETREATMENT RULES, and subsequently when required by the Town, persons subject to these rules shall submit an application for an IDP containing information required under applicable federal and state industrial pretreatment reporting regulations. Such information, as a minimum, shall include:
  - A. The name and address of the facility, including the name of the operators and owners.
  - B. A list of all environmental permits held by or for the facility.
  - C. A brief description of the nature, average rate of production, and the Standard Industrial Classification of the operations carried out at such facility.
  - D. An identification of the categorical pretreatment standards applicable to each regulated process.
  - E. An analysis identifying the nature and concentration of pollutants in discharge.
  - F. Information showing the measured averaged daily an maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
  - G. A schedule of actions to be taken to comply with discharge limitations.
  - H. Additional information as determined by the Town may also be required.
  - I. Any other information which may be needed to meet the baseline monitoring requirements applicable to industrial users subject to National Categorical Pretreatment Standards.
- III. Provisions. The IDP will outline the general and specific conditions under which the industrial waste is accepted for treatment at the Town's

wastewater treatment plant. Specifically, included in the Agreement are the following:

- A. Pretreatment and self-monitoring facilities required.
- B. Type, and number of samples, and sampling frequency required.
- C. Effluent limitations on the Industrial process waste.
- D. Reporting Requirements:
  - 1. Industrial users shall submit periodic reports as required indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if no, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the Town.
  - 2. If an additional user subject to the reporting requirements in the previous paragraph of this section monitors any pollutant more frequently than required by the Town, using procedures prescribed in Article V, Section 10, the results of this monitoring shall be included in the report.
- E. Monitoring Records:
  - 1. Industrial users subject to the reporting requirements under this Section shall maintain records of information resulting from monitoring activities required to prepare such reports. Sub records shall include for each sample:
    - a) The date, exact place, method and time of sampling and the names of person or persons taking the sample;
    - b) The dates analysis were performed;
    - c) The laboratory performing the analysis;
    - d) The analytical techniques and methods used; and
    - e) The results of such analysis.
  - 2. Such records shall be maintained for a minimum of three years and shall be made available for inspection and copying by the Town.
- F. Additional Conditions:
  - 1. The Permit will be in effect for one year, and will be automatically renewed for one-year periods by issuance, on the anniversary, of a

revised page or complete IDP, unless the applicant is notified otherwise by the Town.

2. The Permit is non-transferable, and may be revoked by the Town for non-compliance, or modified so as to conform to discharge limitation requirements that are enacted by Federal or State Rules and/or Regulations.
  3. An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a completed IDP Application to the Town at least 60 prior to the commencement of such discharge. The submitted Application must include plans and engineering drawings, stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the Application by the Town, a discharge Permit Request is submitted by the community to the WSPCD on behalf of the industry. Upon approval of the Discharge Permit Request by WSPCD, the industry and the Town will enter into a new or amended IDP in accordance with the procedure outlined in this subpart.
  4. Industrial users will be assessed an annual fee by the Town to defray the administrative costs of the IDP program.
- IV. Signature for reports. The reports required by Section 2, B, Section 2, C, 4, a and Section 3, subsections E and F, shall include the certification as set forth in Section 2, E, and shall be signed as follows:
- A. By a responsible corporate officer, if the industrial user submitting the reports required by this Ordinance is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
    1. A president, secretary, treasurer or vice president of the corporation or
    2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with procedures.
  - B. By a general partner or proprietor if the industrial user submitting the reports required by this ordinance is a partnership or sole proprietorship respectively.
  - C. By a duly authorized representative of the individual designated in paragraph (1) or (2) of this sub-section if:
    1. The authorization is made in writing by the individual described in paragraph (1) or (2).
    2. The authorization specified either an individual or a position having the responsibility for the overall operation of the facility

from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

3. The written authorization is submitted to the Town.

D. If an authorization under paragraph (3) of this sub-section is no longer accurate because a different individual or position has responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this sub-section must be submitted to the Town prior to or together with any reports to be signed by an authorized representative.

V. Certification. All reports required to be signed as specified in Section 2, D shall include the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

### Section 3. National Categorical Pretreatment Standards

- A. Notification. The Town shall provide timely notification to appropriate industries of applicable categorical pretreatment standards.
- B. Compliance Date for Categorical Standards. Compliance with Categorical pretreatment standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance time is specified in the standards.
- C. Amendment to IDP Required. An Industrial user subject to categorical pretreatment standards shall not discharge waste3water directly or indirectly to Town wastewater facilities after compliance date of such standards unless Amendment to its IDP has been issued by the Town.
- D. Application for IDP Amendment. Within 120 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an IDP Amendment. The application shall contain the information noted under Section 2 (B) of this Article.
- E. Categorical Compliance Schedule Reports. Each user subject to a compliance schedule as required under Article VI, Section 2,B ,&, or federal regulation 40 CFR 403.12 (b) (7), shall report on progress toward meeting compliance with these regulations as follows:

- A. Not later than 14 days following each date in the schedule, and the final date for compliance, the industrial user shall submit a progress report to the Town indicating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply, the reason for delay, and the steps taken by the industrial user to return progress to the schedule established.
  - B. The time for any increment in the schedule, or the interval between reports required in paragraph (1), shall not exceed 9 months. An increment is the time between the dates for commencement and completion of major events leading to the construction and operations of pretreatment facilities necessary to achieve compliance with this ordinance and national categorical pretreatment standards.
  - F. Report on Compliance with Categorical Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new industrial user following introduction of wastewater into Town sewer, any industrial user subject to pretreatment standards and requirements shall submit to the Town a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process lines. The report shall state whether the applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative (see Section 2, D) and certified by a qualified professional engineer.
- Sec. 4 Slug Discharge Notification. All industrial users shall notify the Operator immediately of all discharges which could cause problems to the wastewater treatment facilities, including any slug loadings as defined in Section 28, Article I. Within five days of the unallowed discharge, the industrial user shall provide the Operator with a written report fully describing the unallowed discharge, the pollutants involved, the cause of the unusual discharge and the measures taken to avoid recurrence of the unallowed discharge.
- Sec. 5 Imminent Endangerment. The town may, after informal notice to the industrial user discharging wastewater to the public sewer immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Town in response to violations of this ordinance include ex parte judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by industry.
- Sec. 6 Monitoring and Surveillance. The Town shall as necessary sample and analyze the wastewater discharges of contributing industrial users and conduct surveillance and inspection activities to identify, independently of information supplied by such industrial users, occasional and continuing non-compliance

with industrial pretreatment standards. Each industrial user shall allow unrestricted access by the Town, WSPCD, and EPA personnel for the purpose of investigating and sampling discharges from industries.

- Sec. 7 Investigations. The Town shall investigate instances of non-compliance with industrial pretreatment standards and requirements.
- Sec. 8 Public Information. Information and data submitted to the Town under this part relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR Section 12.302.
- Sec. 9 Public Participation. The Town shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements. A list of significant violators shall be published in a local paper at least annually.

ARTICLE VII  
Powers and Authority of Inspectors

- Sec. 1 The Superintendent of Public Works and other duly authorized employees of the Town of Littleton bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, inspection and copying of records and testing pertinent to discharge to the wastewater facilities, in accordance with the provisions of this chapter.
- Sec. 2 The Superintendent of Public Works or other duly authorized employees are authorized to obtain information concerning industrial processes, which have a bearing on the kind and source of discharge to the public sewer. The industrial user may request that the information in question not be made available to the public if it can establish that revelation to the public might result in an advantage to competitors. The burden of proof that information should be held confidential rests with the industrial user. However, information about wastewater discharged by the industrial user (flow, constituents, concentrations, characteristics and similar information) shall be available to the public without restriction.
- Sec. 3 While performing the necessary work on private properties referred to in Article VII, Section 1, above The Superintendent of Public Works or duly authorized employees of the Town shall observe all safety rules applicable to the premises, established by the company. The company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

ARTICLE VIII  
Penalties

- Sec. 1 No person(s) shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person(s) violating this provision shall be guilty of a misdemeanor.
- Sec. 2 Any person found to be violating any provision of this ordinance except Section 1 of this Article shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correcting thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Town may, after informal notice to the person discharging wastewater facilities, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of the public, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Town in response to violations of this Ordinance include ex parte judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the person.
- Sec. 3 Any person found to be violating any provisions of this chapter except Section 1 of this Article shall be fined in the amount not to exceed \$10,000 per day of such violation. Each day in which any such violation shall continue shall be deemed a separate offense. The Town shall give notice to of the alleged violation to the Division of Water Supply and Pollution Control within 10 days of noticing the violator.
- Sec. 4 Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

ARTICLE IX  
Validity

- Sec. 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2 The invalidation by a court of law of any section, clause, sentence, or provision of this chapter, including associated appendices and exhibits, shall not affect the validity of any other part of this chapter.

ARTICLE X  
Chapter in Force

Sec. 1 This chapter, including associated appendices and exhibits shall be in full force and effect from and after its passage, approval, and recording as provided by law. The chapter of the Littleton Town Ordinance entitled Sewer Ordinance, and in effect prior to the date in the following paragraph, is hereby rescinded and replaced with this chapter.

Duly enacted and ordained this 8 day of May, 1995 by the Board of Selectmen of the Town of Littleton, County of Grafton, State of New Hampshire, at a duly noticed and duly held public meeting.

Amended by the Board of Selectmen of the Town of Littleton, County of Grafton, State of New Hampshire, at a duly noticed and duly held public meeting held September 8, 2004.

_____	_____	
Burton Ingerson, Selectman	Date	Witness

_____	_____	
William Hight, Selectmen	Date	Witness

_____	_____	
George Hicks, Selectmen	Date	Witness

Adopted May 8, 1995  
REVISED April 6, 1995  
AMENDED September 8, 2004

Appendix I  
Connection Fees

Sec. 1 The following fees are based on the size of the installed water meter and shall be assessed to all connections to the sanitary sewer system that have not been assessed the minimum usage charge:

- 5/8" - \$ 1,450.
- 3/4" - \$ 6,900.
- 1" - \$ 13,800.
- 1 1/2" - \$ 23,000.
- 2" - \$ 36,485.
- 3" - \$ 72,965.
- 4" - \$114,210.
- 6" - \$228,415.
- 8" - \$365,620.
- 10" - \$525,430.
- 12" - \$965,205.

Sec. 2 Upgrades in the size of a water meter shall be assessed a sewer connection fee. Said fee shall be equal to the connection fee listed in Section 1 of this Appendix for the new meter size minus the connection fee listed in Section 1 of this Appendix for the old meter size.

Example:	New meter Size is 3"	\$72,965
	Old Meter Size is 2"	- <u>\$36,485</u>
	Upgrade Connection Fee	= \$36,480

Sec. 3 The Town of Littleton shall review water usage for each sewer user annually for the purpose of assessing additional fees for sewer usage. The annual water usage for each sewer user shall be divided by 365 in order to calculate the *Average Daily Usage (ADU Present)* for the year in question (i.e. 1994s ADU Present usage shall be calculated in the first quarter of 1995).

The *1993 Average Daily Usage (ADU Past)* for each individual water user shall be the initial baseline. ADU Past shall be calculated by dividing the total water usage for a property during 1993 by 365. ADU Past shall be updated as described in this section. When a new meter is installed, either through new construction or an upgrade, first calendar year of service with the new meter shall establish a baseline for the sewer user in question. This baseline for new or upgraded meters shall be ADU Past for the property in question.

If (ADU Present) – (ADU Past) ≥ 30.1 Cubic Feet per Day, then a fee shall be assessed using the following formula:

$$\frac{(\text{ADU Present}) - (\text{ADU Past})}{30.1 \text{ Cubic Feet}} \times \$1,450 = \text{FEE DUE}$$

When a fee is assessed to a sewer user, ADU Present shall become the new baseline for that user (i.e. ADU Present shall become ADU Past for the property in question).

Exceptions may be made to the assessment of a fee, due to this section, in the case of a sewer user involved in the Littleton Water & Light Department running water program to prevent winter freezing. Exceptions shall be approved by the Selectmen.

- Sec. 4 Anyone desiring to make a connection to the Littleton Sanitary Sewer System shall complete an application for said connection. Applicants shall receive written documentation from Littleton Water & Light Department indicating the water meter size to be installed. The connection fee shall be paid in full by applicant before a building permit is issued or any work is performed to make said sewer connection.
- Sec. 5 All connection fees shall be accounted for separately by the Town. Said funds, including any interest earned through the deposit of said funds, shall be used solely for the construction or reconstruction of wastewater facilities that provide additional capacity to the system and/or upgrades the system to the next level of treatment. This shall include the separation of storm sewers from sanitary sewers, and other work to decrease infiltration into the system.

## Appendix II User Charges

This Appendix establishes user charges in the Town of Littleton to provide funds needed to pay for operation and maintenance, including replacement, expenses associated with the Town's wastewater treatment works.

WHEREAS, Town of Littleton, has constructed wastewater treatment works: and

WHEREAS, it is the Selectmen's intent to establish proportionate user charges that places the costs of abatement directly on the sources of pollution, conserves potable water, and maintains financial self-sufficiency, and

WHEREAS, the USERS must pay the operation and maintenance expenses associated with the said treatment works and charge the users of said treatment works accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE Selectmen, of the Town of Littleton, that the following user charges are established in accordance with Federal Regulations (C.F.R. Sec. 35.1240).

### Article I Purpose

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Town of Littleton to collect charges from all users who contribute wastewater to the Littleton treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

### Article II Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Sec. 1 "Commercial User" shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.
- Sec. 2 "Governmental User" shall include legislative, judicial, administrative, and regulatory activities of Federal, State and local governments.
- Sec. 3 "Industrial User" shall include any non-governmental, non-residential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division 1-Services.
- Sec. 4 "Institutional User" shall include social, charitable, religions, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

- Sec. 5 “Operation and Maintenance” shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and which such works were designed and constructed. The term “operation and maintenance” includes replacement as defined in section 7.
- Sec. 6 “Replacement” shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- Sec. 7 “Residential User” shall mean any contributor to the Town’s treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.
- Sec. 8 “Shall” is mandatory; “May” is permissive.
- Sec. 9 “Treatment Works” shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.
- Sec. 10 “Useful Life” shall mean the estimated period during which a treatment works will be operated.
- Sec. 11 “User Bill” shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works for each individual. User Bill includes User Charge, Replacement Charge, and any other fees or charges.
- Sec. 12 “Water Meter” shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the Selectmen.

Article III  
Accounting

- Sec. 1 The revenues collected, as a result of the user charges levied, shall be accounted for in a separate non-lapsing fund known as the Sewer Operation, Maintenance and Replacement Fund.
- Sec. 2 Fiscal year-end balances in the operation, maintenance, and replacement fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet shortages in the operation, maintenance, and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates operation, maintenance, and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

Article IV  
User Billing

- Sec. 1 Each user shall pay for the services provided by the Town of Littleton based on his use of the treatment works as determined by water meter readings (or other appropriate methods) acceptable to the Selectmen. Said payment shall be for the operation and maintenance including replacement of the treatment works.
- Sec. 2 For residential, industrial, institutional, governmental and commercial users, semi-annual *Usage Charges* shall be based on actual water usage of the previous-six months. All sewer users shall be required to have a water meter, approved by the Selectmen, installed. (*Amended 9/8/04*)
- Sec. 3 A Replacement Charge shall be assessed on all users at 9% of the billed Usage Charge.

Example (not actual figures): User Charge	\$100.00
	X <u>9%</u>
Replacement Charge	= \$ 9.00

- Sec. 4 Said *Replacement Charge* shall be accounted for separately and used to replace existing equipment maintaining the existing capacity of the treatment works. These monies shall not be used for the upgrade of the works or for any other purposes.
- Sec. 5 Any user which discharges any non-domestic wastewater which cause an increase in the cost of managing the effluent of the sludge from the Town's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, and replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be determined by the Town Manager and approved by the Selectmen.
- Sec. 6 The user bill calculation methodology established in this Appendix and associated Exhibits shall apply to all users of the Tow's treatment works.

## Article V Collection

- Sec. 1 Procedures for the collection of charges are under the authority of RSA 38:22.
- Sec. 2 All users shall be billed semi-annually. Billings for any particular billing period shall be made within thirty days after the end of the period. Payments are due within thirty days after the date of billing. Any payment not received within thirty days after the date of billing shall be delinquent. All bills shall be sent to the address on record for the owner of record. (*Amended 9/8/04*)
- Sec. 3 A late payment penalty of 1 percent of the user charge bill will be added to each delinquent bill for each month or portion thereof of delinquency. When any bill is more than sixty days delinquent, a lien may be placed on the property. Said lien shall be treated as a property tax lien under RSA 80:80.
- Sec. 4 When any bill (including interest and penalty) remains unpaid at the time of lien, such bill shall be recorded in the Grafton County Registry of Deeds by the tax collector and shall constitute a lien on the property. If such lien (including interest and penalty) remains unpaid for a period in excess of two years after the date of recordation, such property may be subject to tax collector's deed to the Town.

## Article VI Grievances

- Sec. 1 Any user who can document that his user charge is unjust and inequitable may make official written application to the Town requesting a review of their user charge. Said application shall, where necessary, show the actual or estimated average flow of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.
- Sec. 2 Review of the request shall be made by the Town and if substantiated, the user charges for that user shall be recomputed based on the revised flow data and the new charges shall be applicable to the next billing cycle/period.
- Sec. 3 Requests for review must be submitted within 30 days of the date of the bill mailing. Only one official application may be submitted to the Town per billing period.

## Article VII Septic

- Sec. 1 Septic haulers shall be charges a *Hauler Fee* which shall be billed directly to the hauler. A minimum Hauler Fee shall be assessed equivalent to the size of the tank being dumped. (see Exhibit B of this Appendix for rate calculation methodology)
- Sec. 2 Any hauler in default on a bill more than 30 days shall lose their dumping privileges for 60 days and until the bill is paid.

Article VIII  
Rate Setting

- Sec. 1 The Town will review the user charges semi-annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.  
(Amended 9/8/04)
- Sec. 2 The Town will notify each user semi-annually of the rate being charged for operation, maintenance including replacement of the treatment works.  
(Amended 9/8/04)

Exhibit A to User Charges Appendix (Appendix II)

(Rate Calculation Methodology for Users Physically Connected to the Treatment Works)

This exhibit presents the methodology to be used in calculating user charge rates and surcharges and illustrates the calculations followed in arriving at the user charges and surcharges.

Sec. 1 Usage Charge –

$$\begin{aligned} & \text{Total Water Usage (according to water meter readings)} \\ - & \text{ Cubic Feet of Water Consumed by Users having Septic Systems} \\ = & \text{ Total Billable Cubic Feet for Metered Users} \end{aligned}$$

$$\begin{aligned} & \text{Treatment Works Total Budget} \\ \div & \text{ Total Billable Cubic Feet for Metered Users} \\ & \text{Sewer Rate} \end{aligned}$$

$$\begin{aligned} & \text{Sewer Rate} \\ \times & \text{ Actual Individual Usage for a User} \\ & \text{Total Usage Charge for Metered User (minimum shall be \$5.00 per quarter)} \end{aligned}$$

Replacement Charge –

$$\begin{aligned} & \text{Usage Charge} \\ \times & \text{ 9%} \\ & \text{Total Replacement Charge} \end{aligned}$$

Total User Bill –

$$\begin{aligned} & \text{Total Usage Charge} \\ + & \text{ Total Replacement Charge} \\ & \text{Total User Bill} \end{aligned}$$

Exhibit B to User Charges Appendix (Appendix II)

This exhibit presents the methodology to be used in calculating septic user charge rates and surcharges.

Hauler Fee: Effective October 1, 2004 (*Amended 9/8/04*)

For residential septage collected from **inside** the geographic limits of Littleton:

\$.06 per gallon dumped

For residential septage collected from outside the geographic limits of Littleton:

\$.12 per gallon dumped

For non-residential septage and other wastewater:

To be determined in advance by the Town's Wastewater Treatment Plant operator.

These rates will be subject to annual review by the Town through its agent in charge of the wastewater treatment plant.

Proof of origination will be required. Any misrepresentation will result in termination of the privileges to dump.

## CHAPTER 14

### JUNK DEALERS

The licensing and regulation of Junk Dealers will be done pursuant to RSA 322 and any/all amendments thereto.

#### Section 1. License

The Selectmen of the Town of Littleton are hereby empowered to license suitable persons to be dealers in and keepers of shops for the purchase and sale, or barter, of old junk, old metals, old or second hand articles, excepting furniture and books, or to accumulate, store or handle said commodities for the purpose of sale or barter elsewhere or as bailees for others, and may determine and designate the place where the business is to be carried on, and the place where the commodities aforesaid may be accumulated, stored or handled, under such license.

#### Section 2. Revocation Regulations

The Selectmen may revoke the same, in their discretion, after a hearing on charges preferred, and may from time to time establish rules, regulations and restrictions relative to the business carried on as aforesaid; and every such rule, regulation and restriction shall be incorporated in the license.

#### Section 3. Conditions Termination

The license shall designate the place where the business is to be carried on, and shall contain a condition that the person to whom it is granted shall not purchase from any minor under the age of 16 years, nor barter with any such minor for any commodity named in Section 1, without the written consent of his parents or guardians, and such other conditions and restrictions as may be prescribed by the Selectmen. Said license shall continue in force until April 1 next following, unless sooner revoked, and may be renewed upon application to the Selectmen.

#### Section 4. Illegal Dealing

Any person who, without license, shall be a dealer in the aforesaid commodities, or keep a shop for the purchase, sale or barter thereof; or who without license, shall accumulate, store or handle said commodities for the purpose of sale or barter, or as bailee for others; or any person having a license who shall carry on the business, or accumulate, store or handle the commodities aforesaid at any other place than that specific in his license, or after notice that his license has been revoked, shall be guilty of a violation for each day such offense continues.

#### Section 5. Enjoining

The superior court may enjoin any person from dealing in the commodities aforesaid, or from keeping a shop for the purchase, sale or barter thereof, or from accumulating, storing or handling said commodities contrary to the provisions of this chapter and may also enjoin any license from carrying on said business at any other place than that designated in his license.

#### Section 6. Territorial Limits

The Selectmen may prohibit the accumulation or storage of the commodities designated in this ordinance, the granting of licenses therefore and the granting of licenses to deal in or keep a shop for the purchase, sale or barter of said commodities shall not be accumulated or stored, or said business carried on or licenses therefore granted. The

adoption of any such regulation shall in no way affect the duties of the Selectmen in acting upon applications for licenses to be exercised in territory outside the limits specified in such regulation.

Section 7. Inspection

The Selectmen, or any officer authorized by them, may at any time enter upon any premises used by a licensee for the purpose of his business, ascertain how he conducts his business and examine all commodities purchased, obtained, kept or stored in or upon said premises shall exhibit to such officer on demand any or all of such commodities, books and inventories.

Section 8. Obstructing Officer

Any such licensee, his clerk, agent or other person in charge of premises, who fails to exhibit to him on demand all such commodities, books and inventories; or any person who willfully hinders, obstructs or prevents such officer from entering the premises or from making the examination authorized in Section 7 shall be guilty of a misdemeanor.

Section 9. Number

Every license shall be numbered, and each license collecting any of the aforesaid commodities in any wagon or vehicle shall have place upon the outside of such wagon or vehicle, and upon each side of same, the number of the license in plain, legible figures not less than 3 inches high so that same may be distinctly seen and read.

Section 10. Badge

Every person going about from place to place collecting said commodities name in Section 1 shall also wear a badge on his hat or cap, or about his person, with the number of his license thereon in brass or plated figures not less than one inch high, so placed that the number may be distinctly seen and read. The badge shall be furnished by the Selectmen upon payment of a suitable fee therefore.

Section 11. Fee

The fee for such license or renewal thereof, shall be fixed by the Selectmen and shall be paid into the Town treasury and no person shall be required to be paid by any other person for a similar license.

Section 12. Unlicensed Person

No person not licensed shall collect or purchase any of the commodities above specified unless he acts as a helper to, and is accompanied by, some licensee.

Section 13. Licensing Procedure

The Planning Board, in reviewing an application, shall consider the following procedure after hearing testimony from the applicant and persons affected by junk operation:

- I. That the proposed location is not in violation of the Town of Littleton Zoning Ordinance for the proposed use. The applicant shall provide to the Board a certified letter from the Zoning Board of Adjustment stating that the proposed use is a permitted use in the proposed location.
- II. That the proposed location and its use as a junk yard shall not adversely affect the aesthetic and environmental qualities of the immediate area, and shall not produce undesirable effects on public resources such as schools, churches, parks, playgrounds and other essential services.

Section 14. Other Operational Conditions

Upon issuance of a permit by the Planning Board, the applicant shall operate his business subject to the following conditions:

- I. The entire junk yard operation shall be confined within a structure intended for said use. The Planning Board may grant the applicant permission to operate all or a portion of the business outside of a structure. If said permission is granted, a solidly constructed fence at least six feet in height shall be erected around the perimeter of the property, which is intended to screen the business operation from the public's view. The fence and operation of the junk dealership shall conform to the setback requirements for structures as set forth in the Littleton Zoning Ordinance.
- II. The Planning Board may establish reasonable hours of operation for the junk dealership in an effort to minimize its effect on abutters. When establishing operating hours, the Planning Board shall take into consideration the type of junk operation and equipment necessary to conduct business.

## CHAPTER 15

### HAWKERS AND PEDDLERS

This ordinance shall include any hawker, peddler or itinerant vender, trader, farmer, merchant or other person who sells or takes orders for merchandise from temporary or transient sales location within the Town of Littleton, or who goes from town to town or place to place within the Town for such purposes.

The Applicant shall file a completed application form with the Town of Littleton one week prior to operation. This license will be good for a period of thirty days. The applicant shall provide a copy of a current valid New Hampshire Hawkers permit. Any and all charitable organizations will be exempt.

Any vendor or peddler licensed under this ordinance shall at all times operate in a manner which will not interfere with public safety on the streets and sidewalks and shall operate in such a manner as to create minimal inconvenience to the public.

This Ordinance shall be in force and effect from date of enactment, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_ by the Selectmen of the Town of Littleton, Grafton County, State of New Hampshire in accordance with RSA 31:102-a at a duly held session of said Board of Selectmen.

Please note:

State permits may be obtained from the  
NH Secretary of State's Office.

(603) 271 – 3242

TOWN OF LITTLETON  
HAWKER'S & PEDDLER'S LICENSE

Name of Applicant \_\_\_\_\_  
\_\_\_\_\_

Legal Address \_\_\_\_\_ Phone # \_\_\_\_\_  
\_\_\_\_\_

Company \_\_\_\_\_  
\_\_\_\_\_

Description of nature of business and goods to be sold \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

Location of Sale of goods \_\_\_\_\_  
\_\_\_\_\_

Name of owner of location \_\_\_\_\_  
\_\_\_\_\_

Signature of owner, authorizing use of location \_\_\_\_\_  
\_\_\_\_\_

Dates of Sale \_\_\_\_\_  
\_\_\_\_\_

Vehicle's description and license number \_\_\_\_\_  
\_\_\_\_\_

The Following To Be Submitted At The Time Of Application

(a) A copy of the State License issued to applicant pursuant to provisions of RSA 320: 8 or a signed statement claiming exemption therefrom,

Permission is hereby given to investigate the licensee and I hereby certify that the above statements are true and correct:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

License # \_\_\_\_\_

Approved:

**THIS PERMIT IS VALID FOR** \_\_\_\_\_

**ONLY 30 DAYS FROM DATE OF  
ISSUE**

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Police Chief

**Location (Parcel) Involved Must Be In Compliance With All Town Ordinances  
Use Must Be a Permitted Use.**

NAME OF APPLICANT \_\_\_\_\_ D.O.B. \_\_\_\_\_  
\_\_\_\_\_

LEGAL ADDRESS \_\_\_\_\_ PHONE# \_\_\_\_\_  
\_\_\_\_\_

COMPANY \_\_\_\_\_  
\_\_\_\_\_

COMPANY ADDRESS \_\_\_\_\_  
\_\_\_\_\_

Description of nature of business and goods to be sold \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location for sale of goods: \_\_\_\_\_  
\_\_\_\_\_

Name of owner of location: \_\_\_\_\_  
\_\_\_\_\_

Date(s) of sale: \_\_\_\_\_  
\_\_\_\_\_

Vehicle description and license number: \_\_\_\_\_  
\_\_\_\_\_

THE FOLLOWING TO BE SUBMITTED AT TIME OF APPLICATION

(a) A copy of the State license issued to applicant pursuant to provisions of RSA 320:8 or a signed statement claiming exemption therefrom;

Permission is hereby given to investigate the licensee and I hereby certify that the above statements are true and correct:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Approved:

License # \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Town Manager

Expires \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Police Chief

## CHAPTER 16

### ESCORT SERVICES

#### Section 1.

It shall be the policy of the Town of Littleton and the Littleton Police Department to provide an escort service within the Town of Littleton.

#### Section 2. Purpose

The purpose of this service shall be to provide an increased level of protection to those who may be transporting large sums of money for either a deposit or other transaction to an institution within the Town of Littleton, New Hampshire.

#### Section 3. Persons to Benefit

The services shall be provided for local residents and businesses.

#### Section 4. Conditions

The service shall be provided:

- I. If there is reasonable advance notice given (24-48 hours)
- II. If there exists available manpower; and
- III. There exists no emergency situations that require the presence of an officer elsewhere.

#### Section 5. Fees

The service shall be made available for a fee of five dollars (\$5.00). Billing shall be done through the Town of Littleton.

## CHAPTER 17

### FIREWORKS

#### Section 1. Scope

The manufacture of class B or C fireworks is prohibited within the jurisdiction. The display, sale or discharge of class B or C fireworks shall comply with the requirements of this article.

#### Section 2. Permit Required

Application for permit shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. The sale, possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond dates set out therein. No permit will be granted unless applicant possesses a certificate of competency issued by the NH Department of Safety.

#### Section 3. Definition

Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include the type of balloons which require fire underneath to propel the same, firecracker, torpedoes, skyrockets, Roman candles, dago bombs, sparklers or other devices of like construction and any device containing any explosive substances, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average .25 grain (16.2 mg) of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps or as defined as class B or C, the sale and use of which shall be permitted at all times.

#### Section 4. Sale and Discharge

##### I. General

It shall be a violation of this code for any person to store, to offer for sale, expose for sale, sell at retail or use or explode any fireworks, except as provided in the rules and regulations issued by the Fire Chief for the granting of permits for supervised public displays of fireworks by the jurisdiction, fair associations, amusement parks and other organizations.

Every such display shall be arranged, located, discharged or fired in a manner that, in the opinion of the Fire Chief, will not be a hazard to property or endanger any person.

Bond for Display: The permittee shall furnish a bond in an amount deemed adequate by the Fire Chief for the payment of all damages which may be caused either to a person or to property by reason of the permitted display, and arising from any acts of the permittee, the permittee's agents, employees or subcontractors.

Disposal of Unfired Fireworks: The Fire Chief shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for display or sale, stored or held in violation of this article.

## Chapter 18

### An Ordinance for the Establishment of a Street Numbering System for the Town of Littleton, New Hampshire **Adopted November 28, 1994**

#### Section 1. Purpose

- I. To identify the locations and names of all streets and roads.
- II. To establish a uniform method of numbering primary buildings on all streets and roads.
- III. To promote efficiency in locating primary buildings.
- IV. To provide more expedient emergency response.
- V. To provide a consistent system for mailing addresses.

#### Section 2. Definition

- I. Street/Road - A public or private right-of-way affording primary access by pedestrians and vehicles to and between properties.

#### Section 3. Parties Affected

All primary buildings within the boundaries of the Town of Littleton which do not have clearly established and/or displayed street numbers shall hereafter be identified according to the uniform street numbering system as herein contained as adopted or amended by the Board of Selectmen pursuant to their authority as outlined in RSA 231:133-a.

#### Section 4. Numbering System

A uniform street numbering system has been developed for all primary buildings based upon the following process:

- I. For purposes of establishing street numbers, a street shall be considered any access way, whether public or private, which serves three or more primary buildings or potential building lots.
- II. The starting point for each street is generally determined by its relationship to the intersection of Main Street, Union Street and Cottage Street in the center of downtown Littleton or its logical direction given existing usage as listed on the Street List in Appendix A.
- III. All primary buildings on the left side of a street beginning at its starting point will have odd numbers.
- IV. All primary buildings on the right side of the street beginning at its starting point will have even numbers.

- V. One odd and one even number will be assigned to each twenty (20) foot interval of frontage on the street as measured from the starting point of each street.
- VI. Numbers will be assigned by determining the point at which the main vehicular access ( or main pedestrian access if no vehicular access is provided) to the primary building coincides with a twenty foot interval on the street. (ex: If the driveway serving a single family house is on the left side of a road and is in the tenth 20 foot segment, then the street would be #19.)
- VII. Unused numbers will be held for future use to ensure against the need for renumbering.
- VIII. Condominium complexes, shopping centers, malls, properties with multiple primary buildings shall be assigned on street number corresponding to each primary entrance location. Units shall be internally numbered according to a logical pattern and manner as approved by the board of Selectmen or their designee.
- IX. Street numbers shall be assigned by the Town Planner after consultation with other appropriate officials (police, fire, postal service, etc.) as needed.

#### SECTION 5. Procedures

- I. All owners of primary buildings within the boundaries of the Town of Littleton shall affix, or cause to have affixed, the assigned street number(s) in accordance with this section.
- II. All properties with primary buildings shall display the assigned street number so as to be readily visible from the street.
  - A. For primary buildings readily visible from the street, the street number shall be conspicuously displayed on that side of the building, which faces the street.
  - B. For primary buildings not readily visible from the street, the assigned street number(s) shall be conspicuously displayed at the main vehicular (or pedestrian if no vehicular access exists) access to the property, so as to be visible on a year-round basis. The preferred method of display at the main vehicular or pedestrian access shall be on both sides of a mailbox (see postal guidelines). However, if a mailbox is not located at the main access, or if there is no mailbox, then the assigned street number shall be displayed on a sign post or similar means at the main access.
- III. All displayed Street numbers shall be of a contrasting color to the means of support such as the primary building, mailbox, post, etc.
- IV. All displayed street numbers shall be at least three (3) inches in height. The size of numbers placed on mailboxes shall be in accordance with U.S. Postal Service requirements.

#### Section 6. New Buildings

- I. Whenever a primary building is erected or located in the Town of Littleton, the assigned street number shall be affixed in the appropriate location as provided for by this ordinance.
- II. Every building permit submitted to the Planning and Zoning Office for approval shall show an assigned street number for each primary building as applicable.
- III. In all cases, local postal officials, Selectmen's (assessing) office, Police and Fire Departments and Planning/Zoning office shall be advised of new assigned street numbers.

#### Section 7. Penalty

- I. Any property owner who fails to comply with any relevant provision of this ordinance by July 1, 1995 shall be guilty of a violation with a penalty not to exceed \$250.
- II. Any property owner who shall affix to or display upon a structure any number other than that assigned to it pursuant to this ordinance shall be guilty of a violation with a penalty not to exceed 250.
- III. This section shall not apply to the display of "date of origin" numbers for historic buildings provided that they are displayed so as not to be confused with the display of the assigned street numbers.

#### Section 8. Administration

- I. This ordinance shall be administered by the Town Manager.

#### Section 9. Appeals

- I. Any property owner aggrieved by the implementation or administration of the provisions of this ordinance may appeal to the Town Manager.
- II. The decision of the Town Manager may be appealed to the Board of Selectmen who shall have the final administrative authority over the implementation of the provisions of this ordinance.
- III. All appeals shall be in written form setting forth the basis for appeal.
- IV. All appeals shall be acted upon in a timely fashion.

#### Section 10. Effective Date

The above described ordinance shall take effect immediately upon adoption by the Board of Selectmen.

LITTLETON BOARD OF SELECTMEN

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Kathryn T. Taylor, Chairman

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Donald A. Craigie, Selectmen

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Earl J. Ellingwood, Selectman

## CHAPTER 19

### HAZARDOUS MATERIAL ORDINANCE TOWN OF LITTLETON CONTROL AND CONTAINMENT OF HAZARDOUS MATERIALS

#### Section 1. Authority

Ordinance enacted under authority of RSA 31:38. RSA 47:17 VI. And RSA 154.

#### Section 2. Purpose

To provide for the control and containment of hazardous materials after accident or discharge. The purpose of this ordinance is not to impose upon the Town, or any of its officers or agents, and obligation to secure or remove any hazardous material from the Town. Once safe containment of the material is made; and that nothing in this ordinance shall be deemed to permit the possession, storage or use of hazardous materials, except in conformance with all Federal, State or local laws.

#### Section 3. Application

This ordinance shall apply to all incidents involving hazardous waste or materials within the boundaries of Town of Littleton, and to all persons who may possess such materials found within the Town except as prevailing Federal or State laws or regulations may take precedence and control over any such incident or person. (see RSA 146-A, RSA 265:115-118 for examples of such prevailing State law at the time this ordinance is adopted.)

#### Section 4. Definitions

For the purpose of this ordinance, the following definitions shall apply:

- I. Hazardous Material - Those substances or materials in such quantity or form which may pose an unreasonable risk to health and safety or property, which may include, but are not limited to, explosives, radioactive materials, etiologic agents, flammable liquids and solids, combustible liquids and solids, poisons, oxidizing or corrosive materials, and compressed gases which are listed by the Material Transportation Bureau of the United States Department of Transportation in Title 49 of the code of Federal Regulations, and any amendment thereto.
- II. Person - Any individual, corporation, partnership, trust or other legal entity.
- III. User - Any person who manufactures or transports, or owns, uses, handles, stores, or has the legal authority to control hazardous materials, specifically including their officers, directors, employees and agents.
- IV. Responsible Party - Any individual, partnership, corporation, association, trust or other entity partially or solely responsible for the release of any hazardous material within the Town.
- V. Cleanup - The management, control, containment, recovery, removal or neutralization of any released hazardous material for the purpose of promoting or protecting public health or safety.

#### Section 5. Duty to Report

Any person who causes or has knowledge of any discharge or release of hazardous material: from their safe container, in any manner which poses an actual or potential threat to people, animals, wildlife, vegetation, property or the environment shall immediately notify the Littleton Fire Department.

#### Section 6. Cleanup

The user or transporter of a hazardous material which is intentionally or accidentally discharged or released within the Town shall, in addition to reporting the incident as required by Section V, take immediate action to cause the discharge or release to be cleaned up in an environmentally safe and scientifically sound manner, and to restore the site and surrounding environment.

#### Section 7. Intentional Discharge or Release

The intentional discharge or release of a hazardous material within the Town of Littleton is strictly prohibited.

#### Section 8. Cost Recovery

- I. Upon completion of any cleanup in which Town employees participated, all costs of the cleanup shall be itemized by each Town department involved, including the Fire Department. Such costs shall include, but are not limited to, the cost of cleaning, repair, restoration or replacement of any Town material or equipment used in the cleanup, the costs of any illness or injury sustained by any employee who participated in the cleanup and the costs of all contracted services utilized in the cleanup.
- II. Upon receipt of the itemizations (including its own) but in no event later than sixty (60) days from the date of the release, the Fire Department shall bill the full cost of cleanup to the responsible party or parties. The bill shall include a description of costs incurred. Bills for less than the full amount these costs shall be the reason therefore and the approximate date by which it can expect to receive a complete bill.
- III. Each responsible party shall be jointly and severally liable to the Town for the costs of the cleanup for which they are responsible. Such costs may be collected by any lawful means including, but not limited to, appropriate court proceedings. All funds received from responsible parties shall be forwarded to the Finance Department for deposit in the Town treasury.
- IV. Any and all costs recovered from a responsible party shall be separate from and in addition to any penalty that may be assessed for any violation of any provision of this article.

#### Section 9. Penalties

- I. Any person who fails to report, as required by Section V, shall be assessed a civil forfeiture not to exceed one thousand dollars (\$1,000.000). Each twenty-four (24) hour period that this incident is not reported shall constitute a separate violation.
- II. Any person who intentionally discharges or releases, or causes another to discharge or release, and hazardous materials from their safe container, in any manner which poses actual or potential threat to people, animals, wildlife, vegetation, property or the environment, shall be assessed a civil forfeiture not to exceed one thousand

dollars (\$1,000.00).

- III. Any person who fails to take the action required by Section VI shall be assessed a civil forfeiture not to exceed on thousand dollars (\$1,000.00). Each twenty-four hour (24) period that a person fails to take action to cause the discharge or release of a hazardous material to be cleaned up, shall constitute a separate violation.

Section 10. Use of Costs of Civil Forfeiture Collected

All costs and civil forfeiture collected under this ordinance shall be placed in the General Fund.

Section 11. Emergency Operations

The Fire Chief of the Town of Littleton or his designated representative(s) shall take, and be in control of, any actions necessary to mitigate a hazardous materials incident within the Town of Littleton, except where Federal or State agencies have jurisdiction by law.

Section 12. Enforcement

The Board of Selectmen of the Town of Littleton shall be responsible for enforcing this ordinance.

Section 13. Repeal

Any provision of any ordinance, which is inconsistent with this ordinance, is hereby repealed.

Section 14. Severability

If any section, subsection, sentence, clause, phrase, or part of this ordinance should be held invalid for any reason whatsoever, such decision shall not effect the remaining portions; which shall remain in full force and effect; and, to this end, the provisions of this ordinance are severable.

Section 15. Effective Date

This ordinance shall become effective upon passage by the Town Meeting.

## CHAPTER 20

### PENALTIES

Any person who violates any provision of a Town Ordinance shall be subject to a fine pursuant to RSA 31:39 and any/all amendments thereto, unless otherwise stated in the individual ordinance.